

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6627

BILL NUMBER: HB 1079

NOTE PREPARED: Dec 21, 2009

BILL AMENDED:

SUBJECT: Conservancy District Election Procedures.

FIRST AUTHOR: Rep. Dembowski

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: *Exclusion of Certain Freeholders-* The bill allows, if in the opinion of the secretary of a conservancy district (secretary) a freehold has been divided into multiple freeholds to increase the number of voters, the secretary to exclude the freeholders of the multiple freeholds from the list of freeholders eligible to vote.

Challenge Provision- The bill provides that the determination of the secretary may be challenged by petitioning the circuit court that created the district.

Effective Date: Upon passage.

Explanation of State Expenditures:

Explanation of State Revenues: *Challenge Provision- Court Fee Revenue:* If additional civil actions occur and court fees are collected, revenue to the state General Fund may increase. A civil costs fee of \$100 would be assessed when a civil case is filed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), public defense administration fee (\$3), court administration fee (\$5), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

Explanation of Local Expenditures: *Exclusion of Certain Freeholders-* Conservancy district decisions could be affected if certain freeholders were not allowed to vote for directors.

Background- A conservancy district director may receive up \$100 and a supplemental \$50 per month if certain requirements are met under current law. In addition, a director may receive reimbursement for travel and other expenses related to their duty. Among several duties, directors supervise the fiscal affairs of their conservancy district.

Certified Levies- For tax year 2008 pay 2009, there were 57 conservancy districts with a certified property tax levy. Those levies totaled \$13.6 M.

Explanation of Local Revenues: *Challenge Provision- Court Fee Revenue:* If additional civil actions occur, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 civil costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

State Agencies Affected:

Local Agencies Affected: Conservancy districts, circuit courts.

Information Sources: LOGODABA, Indiana Code.

Fiscal Analyst: Chris Baker, 317-232-9851.